

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: XARELTO (RIVAROXABAN)
(‘310) PATENT LITIGATION

MDL No. 21-MD-3017 (RGA)

BAYER PHARMA AG, BAYER AG and
JANSSEN PHARMACEUTICALS, INC.,

Plaintiffs,

v.

LUPIN LIMITED, et al.

Defendants.

C.A. No. 21-314 (RGA) (JLH)
(Consolidated)

BAYER PHARMA AG, BAYER AG and
JANSSEN PHARMACEUTICALS, INC.

Plaintiffs,

v.

MYLAN PHARMACEUTICALS INC. and
MYLAN INC.

Defendants.

C.A. No. 21-1742 (RGA)

BAYER PHARMA AG, BAYER AG and
JANSSEN PHARMACEUTICALS, INC.

Plaintiffs,

v.

DR. REDDY’S LABORATORIES, INC. and
DR. REDDY’S LABORATORIES, LTD.,

Defendants.

C.A. No. 23-410-RGA

STIPULATION AND [PROPOSED] ORDER REGARDING STAY

WHEREAS, the Court issued an Order on January 18, 2023, staying these consolidated and coordinated actions pending the Patent Trial and Appeal Board's issuance of a Final Written Decision in IPR2022-00517¹ relating to U.S. Patent No. 10,828,310 ("the '310 Patent") (D.I. 144) ("Stay Order"); and

WHEREAS, on July 28, 2023, the PTAB issued a Final Written Decision holding that claims 1–8 of the '310 were unpatentable; and

WHEREAS, the Parties agree the Stay Order should remain in effect pending resolution of any appeal of IPR2022-00517;

IT IS HEREBY STIPULATED AND AGREED, subject to approval by the Court, that:

1. The Stay Order shall remain in effect pending final resolution of any appeal of IPR2022-00517 to the United States Court of Appeals for the Federal Circuit (the "Appeal");
2. Every six months from the date of this Order, the Parties shall file a Joint Status Report with the Court; and
3. Within 7 days of the final resolution of the Appeal, the Parties shall file a Joint Status Report with the Court.

¹ IPR2022-00517 includes IPR2022-01513 and IPR2022-01515, which were joined with that proceeding. All references to IPR2022-00517 herein are understood to include any and all of the joined proceedings.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Derek J. Fahnestock

Jack B. Blumenfeld (#1014)
Rodger D. Smith (#3778)
Derek J. Fahnestock (#4705)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
rsmith@morrisnichols.com
dfahnestock@morrisnichols.com

*Attorneys for Plaintiffs Bayer Pharma AG,
Bayer AG and Janssen Pharmaceuticals, Inc.*

PHILLIPS, McLAUGHLIN & HALL, P.A.

/s/ Megan C. Haney

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, DE 19806-4204
(302) 655-4200
jcp@pmhdelaw.com
mch@pmhdelaw.com

*Attorneys for Defendants Lupin Limited and
Lupin Pharmaceuticals, Inc.*

SMITH, KATZENSTEIN & JENKINS LLP

/s/ Neal C. Belgam

Neal C. Belgam (#2721)
1000 West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400
nbelgam@skjlaw.com

*Attorneys for Defendants Dr. Reddy's
Laboratories, Inc. and Dr. Reddy's
Laboratories, Ltd.*

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Robert M. Vrana

Anne Shea Gaza (#4093)
Robert M. Vrana (#5666)
Rodney Square
1000 North King Street
Wilmington, DE 19801
(302) 571-6600
agaza@ycst.com
rvrana@ycst.com

*Attorneys for Defendants Taro Pharmaceutical
Industries Ltd. and Taro Pharmaceuticals
U.S.A., Inc.*

SHAW KELLER LLP

/s/ Karen E. Keller

John W. Shaw (#3362)
Karen E. Keller (#4489)
Nathan R. Hoeschen (#6232)
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
kkeller@shawkeller.com
nhoeschen@shawkeller.com

*Attorneys for Defendant Teva
Pharmaceuticals USA, Inc.*

POTTER ANDERSON & CORROON LLP

/s/ David E. Moore

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Hercules Plaza, 6th Floor
1313 North Market Street
Wilmington, DE 19801
(302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com

*Attorneys for Defendants Mylan
Pharmaceuticals Inc. and Mylan Inc.*

September 8, 2023

SO ORDERED this 8th day of September, 2023.

MORRIS JAMES LLP

/s/ Kenneth L. Dorsney

Kenneth L. Dorsney (#3726)
Cortlan S. Hitch (#6720)
500 Delaware Avenue, Suite 1500
Wilmington, DE 1901
(302) 888-6800
kdorsney@morrisjames.com
chitch@morrisjames.com

*Attorneys for Defendants Apotex Inc. and
Apotex Corp.*

/s/ Richard G. Andrews

United States District Judge